

*Arizona Supreme Court  
Judicial Ethics Advisory Committee*

ADVISORY OPINION 95-10  
(June 15, 1995)

**Hiring Court Employees Married to  
Law Enforcement Officers**

**Issues**

May a municipal court hire personnel who are married to law enforcement officers?

**Answer:** Yes, unless a particular situation would offend Canon 1 or 2 of the Code of Judicial Conduct.

**Facts**

A municipal court has over 100 employees. Among them are a court clerk, a court section coordinator and a sentence enforcement officer. Their duties are wide-ranging and include clerking in the courtroom, supervising other employees, and court planning. Each of the three is married to a law enforcement officer.

**Discussion**

Canon 1 of the Code of Judicial Conduct states:

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary may be preserved. The provisions of this code should be construed and applied to further that objective.

Canon 2 of the Code requires judges to "act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." Canon 2 is a prohibition against behaving with impropriety or the appearance of impropriety. The Commentary to Canon 2 says:

The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge's ability to carry out judicial responsibilities with integrity, impartiality and competence is impaired.

The question here is whether a court employee's marital relationship with a law enforcement officer compromises or appears to compromise the court's independence and integrity.

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We believe that people are generally aware of the difference between the judge and a court employee in the making of decisions. This perception, however, may vary significantly from court to court and community to community. In large municipal courts, where court employees are married to law enforcement officers, other than the sheriff or chief of police, and are not on the judge's personal staff, the identification of the court with law enforcement is highly unlikely. In small courts, the probability that the court may become too closely identified with law enforcement is greater, and a judge will have to assess, among other things, the size of the court staff, the duties of individual employees, and the size or makeup of the local community in determining whether it would be appropriate for a member of the staff to be married to a law enforcement officer.

Because there are so many different situations that arise, we cannot adopt a blanket treatment for all cases. The Advisory Committee believes that judges and courts may hire employees married to law enforcement officers unless, under all the circumstances, those marital relationships would give the public the impression that there is a special relationship between law enforcement and the court, or that public confidence in the court's independence and impartiality are compromised by such employees working at the court. The Advisory Committee believes that in many situations this will not be the case, but each situation must be evaluated carefully in light of the purpose for the ethical standards set forth in Canons 1 and 2 of the Code of Judicial Conduct.

### **Applicable Code Sections**

Arizona Code of Judicial Conduct, Canons 1 and 2 (1993).

### **Notice**

**The Arizona Supreme Court adopted a Code of conduct for Judicial Employees in July 1996. Readers are advised to consult that code for more current information on this subject.**